

RECEIVED
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BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

Richard W. White,

Petitioner,

vs.

Lon Thomas, dba
Thomas American Stone

Respondent.

REQUEST FOR
AGENCY ACTION

COMES NOW the petitioner, Richard White, an individual, and in support of this Petition states and represents as follows:

1. Richard White, is an individual, whose address is 9969 Beck Drive, Santee, California, 92071.

2. White is the sole owner of certain patented mining claims located in Tooele County Utah, in the area of the mill site known as Aragonite. These claims are Western Pacific, & #'s #1, #2, #3, #4.

3. These Western Pacific patented mining claims are subject to a trust deed held by Lon Thomas, doing business as Thomas American Stone.

4. Thomas American Stone is a Utah corporation whose address is 4040 South 300 West, Murray, Utah. 84107.

5. Richard White is also owns an interest in certain placer and mill site claims, also located at Aragonite. These mill site claims encompass the entire mill site, including certain trailer-type residences, at Aragonite,

Utah. These are occupied by Thomas employees. Said ownership interest is also subject to a trust deed held by Thomas American Stone.

6. The mill site and placer mining claims are under the jurisdiction of the U.S. Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976 Part §3800. Title 43 CFR.

7. All of the mining claims, including the mill sites, placer claims, and patented mining claims are under the jurisdiction of the State of Utah Department of Natural Resources Division of Oil, Gas and Mining, pursuant to the Mined Land Reclamation Act, Title 40-8, Utah Code, and the General Rules promulgated under the Utah Minerals Regulatory Program.

8. On August 1, 1988, White granted Lon Thomas dba Thomas American Stone access to the property subject to a lease agreement.

9. The terms of the lease agreement specifically required Thomas American Stone to obtain all permits required by law.

10. Since August 2, 1988, Thomas American Stone has steadfastly refused to submit mining and reclamation plans required under Utah Mined Land Reclamation Rules and Federal BLM Regulations.

11. The Thomas American Stone mining operation at Aragonite has been cited numerous times by the U.S. Department of Labor, Mine Safety and Health Administration, 307 West 200 South, #3002, Salt Lake City, Utah, 84101, for violations of Mine Safety Regulations.

12. The Thomas American Stone mining operation at Aragonite, Utah, remains dangerous to the public, with ever expanding high walls immediately adjacent to a publicly maintained road frequented by recreational users.

13. The Thomas American Stone mining operation at Aragonite continues to expand its operations, unnecessarily damaging and wasting public lands.

a) In 1990, some 10,000 tons of high grade calcium carbonate was wasted when it was mixed with country rock and pushed into heaps.

b) In 1990, approximately 25 acres of previously virgin public lands were destroyed by Thomas American Stone forces using a large bulldozer to prospect for new mineral.

c) In 1990, approximately 2 acres of public lands, immediately adjacent to a public road, were excavated by Thomas American Stone forces. The top soils removed from the operation were subsequently pushed down a native slope and into a seasonal creek. The under lying rock was hauled off without any permits.

d) In 1990, approximately 150 cubic yards of garbage and used tires were dumped on public lands by Thomas American Stone forces.

e) In 1990, used motor oil and other soil contaminating wastes were dumped numerous times upon public lands by Thomas forces.

f) In 1990, an unknown number of cubic yards of garbage and waste was buried in and around the Aragonite claims and mill sites by Thomas American Stone forces.

14. Thomas American Stone's mining operations at Aragonite have unnecessarily wasted public lands in that virtually all waste engine oils, machine parts, and related industrial trash, is left where it falls.

15. Despite repeated assurances by Mr. Thomas that he would stop wasting public lands and stop dangerous practices, as recently as December 27, 1990, Thomas American Stone forces were working under a dangerous high wall. On the same day, it was observed that Thomas forces had recently dumped used engine oil and used tires on public lands.

16. The Thomas American Stone mining operation at Aragonite uses its access to the these public lands as a waste dump for its other business activities. The mill site at Aragonite has a large pile of used tires

and other garbage which continues to grow by the truck full, in violation of State, Federal and Tooele County Ordinances.

17. The Thomas American Stone mining operation at Aragonite has been inspected by BLM personnel and has been found to be consistently in non-compliance with regulations

WHEREFORE, Petitioner respectfully requests that:

18. This Petition be set for hearing at the next regularly scheduled meeting of the Board of Oil, Gas and Mining and that Notice be given of the time, place and purpose of such hearing in accordance with the laws of the State of Utah and the Board's rules and regulations.

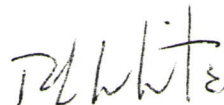
19. The Board find that Thomas American Stone has willfully evaded the Rules of the Mined Land Reclamation Act pursuant to Utah Code §40-8-9.

20. The Board find that Thomas American Stone is responsible for reclamation of all lands negatively impacted by its operations.

21. The BOARD issue an ORDER directing Thomas American Stone and its sub-contractors or agents, to cease and desist all operations at Aragonite, Utah, and:

- a) Said order to require that Thomas American Stone to file a surety bond for the estimated cost for reclamation of all lands negatively impacted by Thomas American Stone operations.
- b) Said order to require all waste, junk and contaminated soil be disposed of in legal manner at legal waste disposal facility.
- c) Said order to remain in effect until such time as all reclamation for which Thomas American Stone is responsible has been finished.

DATED this 9th day of January, 1990.



Richard Wilton White